

Serial No.: 10/586,955
Examiner: Soumya Dasgupta
Reply to Office Action Mailed March 14, 2008
Page 5 of 9

REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 and 5-9 have been revised. Support for the revisions can be found at page 6, lines 20-29 and Fig. 1, among other places. Claims 1 and 5-9 remain pending in the application. Applicants note that the Office Action Summary Sheet lists claims 1-9, rather than claims 1 and 5-9 as pending.

Claim Rejections – 35 USC § 101

Claims 1 and 5-9 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection. Claims 1 and 5-9 have been revised to clarify that the “system” considered as non-statutory subject matter in the rejection in fact is an ultrasonic diagnosis apparatus including an ultrasonic probe, a transmission-reception circuit, an image display device and a control device. Support for the revisions can be found at page 6, lines 20-29 and Fig. 1, among other places. Applicants are not conceding the correctness of the rejection. The claims clearly recite a device having specific structural components and practical applications and therefore are directed to statutory subject matter. Withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1 and 6 are rejected under 35 USC 103(a) as being unpatentable over Sano et al. (US 2004/0254465) in view of Dutta et al. (US 6,717,600). Applicants respectfully traverse this rejection.

Claim 1 requires a control device to have a function in which an alternative in a pop-up menu is selected by locating a cursor on the alternative and the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu. That is, the present control device is configured to perform both a selecting action by locating a cursor on the alternative, and a confirmation action by moving the cursor to a region outside the pop-up menu.

Serial No.: 10/586,955
Examiner: Soumya Dasgupta
Reply to Office Action Mailed March 14, 2008
Page 6 of 9

When a medical doctor operates an ultrasonic diagnosis apparatus, he usually uses his dominant hand to operate the ultrasonic probe, which requires he use the other hand not only to move the cursor to locate and select an intended button, but also to confirm his selection by clicking on the selected button. This operation process, which includes a sizable number of selecting and confirmation actions, slows the diagnostic process and also adds stress for the doctor (see page 2, lines 2-12 of the specification, among other places). The present control device allows an operation be confirmed with a single action of the cursor. This advantageously provides a simpler and quieter operation of the ultrasonic diagnosis apparatus and in turn makes the diagnostic process more efficient and less stressful for the doctor.

The reference disclosures fail to teach or suggest the control device having a function in which an alternative in a pop-up menu is selected by locating a cursor on the alternative and the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu, as required by claim 1. The rejection relies on Dutta et al. as suggesting confirming a cursor selection by moving the cursor to a region outside of a pop-up menu as required by claim 1. Applicants respectfully submit that nothing in Dutta et al. suggests such confirmation action. Dutta et al. discuss that an item becomes selectable when a cursor moves towards the item on a display (see Dutta et al., Abstract). Specifically, Fig. 7 illustrates that an item is enabled to be selected when a cursor is in proximity to the item. For example, as discussed in col. 6, lines 20-31, when cursor 700 moves along path 730, items 762, 756, 750 in turn become selectable when the focus of each item is changed. However, Fig. 7 and the accompanying text fail to teach that a confirmation action can be done by moving the cursor to a region outside the pop-up menu as required by claim 1. In fact, Dutta et al. discuss that, after the focus of an item is changed, the selection can be confirmed merely by a conventional input selection, which is by using a mouse click with the cursor at the current position (see Dutta et al., col. 3, line 67 to col. 4, line 5).

Nor do the reference disclosures suggest the invention of claim 1. In fact, nowhere do the reference disclosures suggest confirming a cursor action by merely moving the cursor to a predetermined location or direction on the display. Even

Serial No.: 10/586,955
Examiner: Soumya Dasgupta
Reply to Office Action Mailed March 14, 2008
Page 7 of 9

assuming *arguendo* that Dutta et al. had disclosed confirming a cursor action by moving the cursor in the direction of the item, it would not have been obvious for one skilled in the art to develop the feature of confirming a cursor action by moving the cursor to a region outside the pop-up menu in claim 1 based on evidence of the present record. On the contrary, moving a cursor outside of the region of the selected alternative typically indicates canceling of the specific selection in the art. For at least these reasons, claim 1 is patentable over Sano et al. in view of Dutta et al. Sano et al. do not remedy the deficiencies of Dutta et al. Applicants are not conceding the relevance of the rejection to the remaining features of this claim.

Claim 6 is patentable over Sano et al. in view of Dutta et al. for reasons similar to those discussed above. Claim 6 requires a control device to have a function in which an alternative in a pop-up menu is selected by locating a cursor on the alternative and the alternative that is selected last is confirmed by moving the cursor rightward, leftward, horizontally, upward, downward or vertically in the selected alternative in the pop-up menu. The reference disclosures fail to teach or suggest the control device required by claim 6. For at least these reasons, claim 6 is patentable over Sano et al. in view of Dutta et al. Applicants are not conceding the relevance of the rejection to the remaining features of this claim.

Claims 8 and 9 are rejected under 35 USC 103(a) as being unpatentable over Sano et al. in view of Alexander (US 6,049,325). Applicants respectfully traverse this rejection.

Claim 8 requires a control device having a function in which an alternative in a pop-up menu is selected by locating a cursor on the alternative and the alternative that is selected last is confirmed by keeping the cursor in the selected alternative for a certain period of time.

The reference disclosures fail to teach or suggest the control device having a function in which an alternative in a pop-up menu is selected by keeping the cursor in the selected alternative for a certain period of time as required by claim 8. The rejection relies on Alexander as suggesting confirming a cursor selection by keeping the cursor in

Serial No.: 10/586,955
Examiner: Sourmya Dasgupta
Reply to Office Action Mailed March 14, 2008
Page 8 of 9

the selected alternative for a certain period of time as required by claim 8. Applicants respectfully submit that the dwelling of the cursor in Alexander is merely a selecting action, but not a confirmation action. Alexander is directed to a hit-test system for use in a computer-based system having a graphical user interface for searching a display pixel map (see the Abstract of the reference). A display search engine searches pixel locations determined from the pixel offset values and the selected pixel location (see, also, the Abstract of the reference). The operation of the cursor in Alexander includes moving the cursor across display to search for a specific display element, i.e., pixel location, and dwelling the cursor at the specific display element to select the display element and subsequently invoke the hit-test system (see col. 3, lines 7-15 of Alexander). Nowhere does Alexander teach confirming a cursor selection by keeping the cursor in the selected alternative for a certain period of time as required by claim 8.

Moreover, Applicants submit that the teachings of Alexander cannot reasonably be combined with Sano et al. unless hindsight is used impermissibly. Sano et al. discuss an ultrasonic diagnostic equipment 1 having a workflow system 21 to control equipment operation (see Abstract of Sano et al.). A display in Sano et al. displays a menu bar such that a user is provided with options or alternatives to compare and make selection (see, e.g., Sano et al., paragraphs [0160-0162] and Fig. 12). On the other hand, Alexander discusses searching for a specific display element and selecting the element to invoke the hit-test system. There is no discussion of any arrangement in Alexander to display different options or alternatives on the display screen for the user to compare and make selections. Therefore, there is no reasonable basis to combine the references in the manner as the rejection requires to meet claim 8.

For at least these reasons, claim 8 is patentable over Sano et al. in view of Alexander. Claim 9 depends from claim 8 and is patentable along with claim 8 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Serial No.: 10/586,955
Examiner: Soumya Dasgupta
Reply to Office Action Mailed March 14, 2008
Page 9 of 9

Claims 5 and 7 are rejected under 35 USC 103(a) as being unpatentable over Sano et al. in view of Dutta et al. and further in view of Alexander. Applicants respectfully traverse this rejection.

Claims 5 and 7 depend from claims 1 and 6 respectively and are patentable over Sano et al. in view of Dutta et al. and further in view of Alexander for at least the same reasons discussed above regarding claims 1 and 6. Alexander does not remedy the deficiencies of Sano et al. in view of Dutta et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.



Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800

Dated: June 13, 2008

By: 

Douglas P. Mueller
Reg. No. 30,300

DPM/cy